

**REMARKS/ARGUMENTS**

Claims 1 through 21 are pending in the instant application. Claims 1, 10 and newly added claim 21 are the three (3) independent claims. Claims 2 through 9 depend from independent claim 1. Claims 11 through 20 depend from independent claim 10.

In the Action, the Information Disclosure Statement was not considered by the Office because the Information Disclosure Statement was allegedly received without any PTO Form 1449 for which the Office can mark an acknowledgement of the applicant's cited references.

Applicant traverses the rejection as follows. Applicant did indeed submit the Information Disclosure Statement as certified by the Certificate of Mailing dated on August 13, 2004, and an initialed copy of the submitted Information Disclosure Statement with the initialed form 1449 is indeed attached to the Office Action. However notwithstanding that the Form 1449 appears to have been received and the references considered, there is mention on page 2 of the Action that the Office did not consider the Information Disclosure Statement.

With this Amendment, applicant submits a courtesy copy of the previously submitted and considered initialed Form 1449 to the Office. This Information Disclosure Statement appears to have been received and considered by the Office. Thus, applicant submits that this objection be

reconsidered. Further, applicant respectfully requests confirmation that the Office did receive and consider the references on the PTO Form 1449.

In the Action, claims 1 through 7, and 9 through 13, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,378,225 to Slingo (hereinafter "Slingo"). Applicant respectfully traverses this rejection on the grounds that Slingo neither discloses nor suggests all of the elements set forth in independent claim 1 or independent claim 10.

Claim 1 provides a hair dryer with a primary heater for providing heat to an airflow, and a secondary heater for selectively providing radiant energy to the airflow as desired.

Slingo discloses a hair dryer having a fan with an electrical heater. The electrical heater is a nickel-chromium heater in an elongated coil that is connected to a power source. (See col. 2, line 27). The hair dryer also has a ceramic radiator. The ceramic radiator is a piece of ceramic material that is tubular in shape. It is between an outlet and the fan, (see col. 2, lines 39 through 40), and is suspended in the elongated coil. The electrical heater heats both the air and the ceramic material, and the heated air is blown out of the hair dryer. (See col. 2, lines 44 through 46).

Slingo does not disclose or suggest any a hair dryer with a primary heater for providing heat to an airflow, and a secondary heater for selectively providing radiant energy

to the airflow as desired. The electrical heater in Slingo heats the air AND the ceramic material, and the heated air from the electrical heater is blown out of the hair dryer. Slingo does not disclose any other secondary heater. Thus, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested. Claims 2 through 7, and 9 depend from claim 1 and reconsideration and withdrawal of the rejection of these claims are also respectfully requested.

Claim 10 discloses a hair styling appliance with a primary heating source and a secondary heating source with a control interface. The control interface allows an operator to control a heating effect of the primary heating source and/or the secondary heating source.

Slingo does not disclose or suggest any secondary heating source, let alone any control interface that may control the heating effect of the primary and/or the secondary heating source. As mentioned, Slingo discloses one nickel-chromium electrical heater in an elongated coil that is connected to the power source. The electrical heater heats the air and the ceramic material, and the heated air is blown out of the hair dryer. Reconsideration and withdrawal of the rejection of claim 10 are respectfully requested. Claims 11 through 13, and 18 depend from claim 10 and are patentable for at least the reasons discussed above for independent claim 10. Reconsideration and withdrawal of the rejection of claims 11 through 13, and 18 are respectfully requested.

In the Action, claims 8, and 10 through 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Slingo in view of U.S. Patent No. 5,790,749 to Polaert (hereinafter "Polaert"). In response, applicant submits that the cited and relied upon Slingo and Polaert do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicant respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Slingo, Polaert, and the combination thereof, even if technically feasible, which is not admitted as possible, do not render applicant's claimed invention obvious.

Claim 8 depends from claim 1, and provides for a hair dryer with a primary heater for providing heat to an airflow, and a secondary heater for selectively providing radiant energy to the airflow as desired with the secondary heater being self-regulating.

As mentioned, Slingo discloses a hair dryer with a fan and one electrical heater that is a nickel-chromium heater. The electrical heater is formed in an elongated coil that is connected to a power source. Slingo also discloses a ceramic radiator that is a piece of ceramic material that is tubular in shape and is located between an outlet of the hair dryer and the fan. The electrical heater heats the air and the ceramic material, and then the heated air is blown out of an outlet.

Polaert discloses a hair dryer with an air heater. (See col. 2, line 40 through 41). The hair dryer also has

detector and a controller. The detector detects a heating condition of the air escaping the hair dryer and the controller regulates the air heater and/or fan in response to the condition detected by the detector.

At col. 3, lines 6 through 10, Polaert discloses that the controller will change a setting of the air heater so at a first time a strong drying occurs and at a second time thereafter a more moderate drying occurs. The hair dryer at a first time will have a first air flow of 12 meters per second and a first temperature of 75 degrees Celsius and at a second time will have a second air flow of 6 meters per second and a second temperature of forty-five degrees Celsius. (See col. 3, lines 30 through 36). Other air flow and heat combinations are disclosed.

Slingo, Polaert and the combination thereof do not disclose or suggest any secondary heater for selectively providing radiant energy to the airflow as desired, let alone with the secondary heater being self-regulating. Reconsideration and withdrawal of patentable claim 8 are respectfully requested.

With regard to the rejection of independent claim 10, Slingo, Polaert and the combination thereof fail to disclose or suggest any hair styling appliance with a primary heating source and a secondary heating source and a control interface for controlling a heating effect of the primary heating source and/or secondary heating source. Reconsideration and withdrawal of the rejection of claim 10 are respectfully requested. Reconsideration and withdrawal of the rejection of claims 11 through 19 are also

respectfully requested as these claims depend from patentable claim 10.

In the Action, claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over Slingo in view of Polaert further in view of United States Published Patent Application No.: 2002/0006275 to Pollack (hereinafter "Pollack"). In response, applicant submits that the cited and relied upon Slingo, Polaert and Pollack do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicant submits that Slingo, and Polaert alone or in combination with Pollack neither discloses nor suggests applicant's claimed invention as claimed in claim 17. Applicant respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in any reference for the modification argued by the Office, and Slingo, Polaert, Pollack and the combination thereof, even if technically feasible, which is not admitted as possible, do not render applicant's claimed invention obvious as claimed in claim 17.

Claim 17 discloses a hair styling appliance with a primary heating source and a secondary heating source and a control interface for allowing an operator to control a heating effect of the primary heating source and/or the secondary heating source.

The hair styling appliance also has the secondary heating source centrally positioned at a second end of the hair styling appliance with the second end having an air egress. The hair styling appliance further has the primary heating source initially heating the airflow, and the

secondary heating source selectively providing radiant energy thereto at the air egress.

Pollack discloses an air dryer for drying an infant's bottom such as during infant care. The air dryer has a housing that has a tube and a fan in the housing. The tube is generally cylindrical and has an air outlet and a second vent. The second vent permits the air to escape the tube in the event that the air outlet is blocked so as to prevent any overheating of the fan and so there is a reduced chance of chafing the sensitive skin of the infant.

Slingo, Polaert, Pollack and the combination thereof do not disclose or suggest any hair styling appliance with a primary heating source and a secondary heating source and a control interface for allowing an operator to control a heating effect of the primary heating source and/or the secondary heating source.

Slingo, Polaert, Pollack and the combination thereof also do not disclose or suggest any secondary heating source, let alone one centrally positioned at a second end of the hair styling appliance with the second end having an air egress, let alone any primary heating source initially heating the airflow, and the secondary heating source selectively providing radiant energy thereto at the air egress.

Furthermore, applicant contends that Pollack is improperly cited for combining with the primary reference and moreover, Pollack teaches away from combining with the primary reference. Specifically, Pollack discloses at

paragraph 22 of the specification that, "because the dryer is intended for use with infants, it is preferred that only room temperature or slightly heated air be blown through the outlet duct. Therefore, unlike a hair dryer, the dryer does not include high-powered electric heaters. In one embodiment, the dryer includes no heating devices."

Applicant contends that it is improper for the Office to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Claim 17 is patentable over the cited and relied upon references and reconsideration and withdrawal of the rejection of claim 17 are respectfully requested.

Applicant further contends that pending claim 20 was not rejected or even mentioned in the Office Action. Applicant contends that claim 20 is patentable over the cited and relied upon references. Applicant further requests that the Office issue a supplemental office communication indicating that claim 20 is patentable and memorializing that claim 20 is allowed given that claim 20 was not rejected by any of the cited and relied upon references.

Newly added claim 21 is patentable over the cited and relied upon references as none of the references discloses or suggest a hair styling appliance with a primary heating source and a second heating source with the secondary heating source being a positive temperature coefficient heater with a doped ceramic with the positive temperature coefficient heater being connected to the power source.

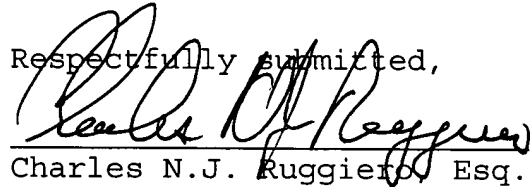


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It is applicant's belief that claims 1 through 21 are all patentable and in condition for allowance. Accordingly, applicant respectfully requests favorable consideration and that the application be passed to allowance.

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Respectfully submitted,



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